

1 YOUR NAME ROBERT LUNDY
2 YOUR ADDRESS P.O. Box 23 LEMON GROVE, CA 91946
3 YOUR TELEPHONE NUMBER (619) 301-5146

2008 JUN 27 PM 12:59

KMT

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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 (Must start on line 8 or below)

11 ROBERT LUNDY

13 -v-

14 ALEX & JANET COLMENERO
15 SUPERIOR COURT
16 SAN DIEGO COUNTY
17 EAST COUNTY DIVISION

'08 CV 1153 JM CAB

Case No. _____
(To be assigned at time of filing)

COMPLAINT FOR (Brief description of document)

18 Plaintiff alleges:

19 VIOLATION OF CIVIL RIGHTS, CONSTITUTIONAL RIGHTS & PARENTAL RIGHTS
20 & RACIAL DISCRIMINATION
21 EMERGENCY RELIEF REQUESTED

22 SEE ATTACHMENTS —

Robert Lundy
6/27/08

ck

Complaint For (Brief description of document)

Plaintiff alleges: Violation of CIVIL RIGHTS/PARENTAL RIGHTS and
RACIAL DISCRIMINATION

EMERGENCY RELIEF IS REQUESTED

Throughout this Case No. ED 59506, Superior Court Judges have abused their authority on the bench by allowing violations of Court Orders. One Judge would not recuse herself, when a motion was filed in court, then ruled against the Respondent (Lundy). Immediate disqualification is mandatory (McCartney v. Commission on Judicial Qualifications (1974). Civil Code Procedure 11.46).

Judge Lantz Lewis seemed reasonable and ruled when the mother (Petitioner) expired from a terminal illness, the father and child would be united, after conjoined therapy, this did not happen. (Superior Court Transcript July 19, 2007)

Under Family Code 3006, Commentary; In re Phoenix B., 218 Cal.App.3d 787, 267 Cal.Rptr. 269 (1990) (dependency proceeding initiated on mother's involuntary hospitalization dismissed when presumed natural father ready and able to take custody of child. On several court orders the Judge's signature was stamped without his knowledge, especially on a Restraining Order extension.

The Court allowed a Joinder to the case with improper service, violation of CRC Rule 8.100(a), the Joinder also, had violated Court Orders by retaining the minor child, when Court Orders stated they should have informed or called the other parent (Respondent). Also, in the spring of this year (March/April), the Joinder illegally wiretapped the Plaintiff without his knowledge. (Violation of Constitutional Rights) (Wright v. State of Fla., CA. 5 (Fla) 1974, 495 F 2d 1086). The Joinder has used slander and defamation in court records without professional knowledge or Medical Degrees.

Under the terms of the Court Order, issued July, 19, 2007, Plaintiff, went to pick-up his daughter, on December 31, 2007, child would not come out, Plaintiff call San Diego Sheriff's Department, Officer Castro, Badge # 5540, Event # S-6368027 responded. My daughter was sent out of the county against Court Order. On another violation, the Judge ordered not to discuss the case with the minor child, the Joinder gave the court affidavits from people they associate with, questioning the child, about where and with whom she wanted to live. Judge, these are blatant violations, my assessment is the law has no significance in this case.

The Superior Court has shown Racial Discrimination and depraved indifference towards the Plaintiff in all of its ruling.

The Court has allowed the Family Mediator's Office on three separate occasions to recommend negative reports without true facts, and one Mediator (C. Butts), used racial slurs indicating, "that she was married to an African-American and I should not be afraid of her impending report, which was negative. It also, allowed perjured testimony through

a Declaration by M. Neverson, while Court Documents from Alameda County Superior stated otherwise. (Declaration Superior Court March 1, 2004).

Not only does the Family Law Code and Constitution Law state, the custody of a child should be with the biological parents when one dies, refuses custody, or has abandoned the child, the other parent is entitled to custody of the child, and there are no negatives, about the other parent receiving custody. (Family Code 3010 C2b 158).

The Court has allowed opposing counsel (H. Collier), to refute Doctor's Reports to the court, without having medical knowledge or medical degrees, stating they were "whitewashed", and allowing her to changed Court Orders issued by the court. Opposing Counsel tried on one occasion to bribe the Respondent, so that he could visit his daughter, witnessed by Attorney Richard Prantil.

There was also, an incident of inappropriate touching by Attorney Collier, which is considered sexual abuse, it happened in the downtown Court House.

REQUEST FOR IMMEDIATE INJUNCTION

KF 8900. S 389 v3 [13:43],[13:44] a substantial threat that Plaintiff will suffer irreparable injury if the injunction if denied.

The threatened injury out weighs any damage the injunction might cause to defendant.

Robert Lundy
6/27/08

JS-44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

ROBERT LUNDY

DEFENDANTS

ALEX & JAWET COLMENERO

SUPERIOR COURT EAST COUNTY DIVISION JUN 27 PM 1:01

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF SAN DIEGO
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT SAN DIEGO
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEY (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

PRO SE
ROBERT LUNDY
P.O. BOX 23
LEMON GROVE, CA 91946

ATTORNEYS (IF KNOWN)

'08 CV 1153 JM CAB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

	PT	DEF		PT	DEF
Citizen of This State	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Incorporated or Principal Place of Business in This State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/>	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/>	<input type="checkbox"/>
Citizen or Subject of a Foreign Country	<input type="checkbox"/>	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/>	<input type="checkbox"/>

IV. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1985

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<ul style="list-style-type: none"> 119 Insurance 120 Marine 130 Motor Act 140 Negotiable Instrument 150 Recovery of Overpayment & Enforcement of Judgment 151 Medicare Act 152 Recovery of Defaulted Student Loans (Excl. Veterans) 153 Recovery of Overpayment of Veterans Benefits 160 Stockholders Suits 170 Other Contract 195 Contract Product Liability 	<ul style="list-style-type: none"> 310 Airplane 315 Airplane Product Liability 320 Assault, Libel & Slander 330 Federal Employers' Liability 340 Marine 345 Marine Product Liability 350 Motor Vehicle 355 Motor Vehicle Product Liability 360 Other Personal Injury 	<ul style="list-style-type: none"> 610 Agriculture 620 Other Food & Drug 625 Drug Related Seizure of Property 21 USC 881 630 Liquor Laws 640 RR & Truck 650 Airline Regs 660 Occupational Safety/Health 690 Other 	<ul style="list-style-type: none"> 422 Appeal 28 USC 158 423 Withdrawal 28 USC 157 PROPERTY RIGHTS 820 Copyrights 830 Patent 840 Trademark SOCIAL SECURITY 861 HIA (13958) 862 Black Lung (923) 863 DIWC/DIWW (405(g)) 864 SSID Title XVI 865 RSI (405(g)) FEDERAL TAX SUITS 870 Taxes (U.S. Plaintiff or Defendant) 871 IRS - Third Party 26 USC 7609 	<ul style="list-style-type: none"> 480 State Reapportionment 410 Antitrust 430 Banks and Banking 450 Commerce/ICC Rates/etc. 460 Deportation 470 Racketeers Influenced and Corrupt Organizations 810 Selective Service 850 Securities/Commodities Exchange 875 Customer Challenge 12 USC 891 Agricultural Acts 892 Economic Stabilization Act 893 Environmental Matters 894 Energy Allocation Act 895 Freedom of Information Act 900 Appeal of Fee Determination Under Equal Access to Justice 950 Constitutionality of State 990 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS		
<ul style="list-style-type: none"> 210 Land Condemnation 220 Foreclosure 230 Rent Lease & Ejectment 240 Tort to Land 245 Tort Product Liability 249 All Other Real Property 	<ul style="list-style-type: none"> 441 Voting 442 Employment 443 Housing/Accommodations 444 Welfare 446 Other Civil Rights 	<ul style="list-style-type: none"> 510 Motions to Vacate Sentence Habeas Corpus 530 General 535 Death Penalty 540 Mandamus & Other 550 Civil Rights 555 Prisoner Conditions 		

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
- ☐ 2 Removal from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

PRELIMINARY INJUNCTION UNDER f.r.o.p. 23

DEMAND \$

\$5,000,000

Check YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE

CLERK OF COURT

Robert Lundy

CR